IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22326 of 2007(G)

PETITIONER:

B.C.ABDU RAHMAN,
S/O. KHALID, AGED 40 YEARS,
PRESIDENT, PARENT TEACHER 'S ASSOCIATION,
KASARAGOD DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

---

1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
SECRETARIAT,TRIVANDRUM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
CHERUVATHOOR, KASARAGOD DISTRICT.

3. THE HEADMASTER
GOVERNMENT U.P. SCHOOL, PADNE
KASARAGOD DISTRICT.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 22326 OF 2007

Dated this the 20th day of July, 2007

J U D G M E N T

Petitioner was elected as the President of the Parent Teachers' Association of Govt. Upper Primary School, Padne in Kasargode District during the academic year 2006-07. He has preferred this writ petition praying for issuance of writ of mandamus or such other appropriate writ or direction to the respondents to permit him to continue as PTA President "for a period of twelve months."

2. It appears that election to the committee of the PTA Association was held only on March 8, 2007. The academic year came to a close on March 31, 2007. The grievance of the petitioner appears to be that the committee got hardly 23 days in office. Petitioner has referred to some of his credentials which would entitle him to continue in office for 12 more months. It is contended by him that the present committee has got several prestigious projects in the pipe line and if the present committee is given one year from the date of election, the members can do wonders as far as the school is concerned.

3. I do not propose to refer to the so called projects which are in contemplation of the committee for the simple reason that the election committee of the PTA in school is already held for the academic year

concerned. It is contended by the learned counsel that the election in this school could not be conducted in July 2006 because of an order of injunction passed by the civil court. Ultimately the election was held only in the first week of March. According to the petitioner, it will be unfortunate if the elected members of the committee are not given sufficient opportunity to serve the institution.

4. I am afraid the contention raised by the petitioner is totally misconceived. A perusal of the circular issued by the Director of Public Instruction in relation to the constitution of the committee, membership, election etc. of the PTA Association in Schools in the State, shows that the term of office of the executive committee shall be for one year. It is not in dispute that election to the committee has to be held at the beginning of the academic year itself. I do not deem it necessary to refer to the various other Clauses in the relevant circulars/orders since it is fairly admitted by the learned counsel that going by the rules, the term of the elected committee should be for one academic year. But according to the petitioner since last year's committee could assume charge only in the first week of March towards end of the academic year, those office bearers should be allowed to complete the one year term.

5. I am not persuaded to accept the above plea. The rules governing the filed should be followed. If unfortunately, the petitioner and the other members of the committee could not complete the term of one

year for reasons beyond their control, they cannot be heard to say that rules should be read and interpreted in such a way as to allow them to continue for one year from the date of their election. In a democratic set up, the elected members will have to abide by the rules and regulations governing body they represent. The basic principle of democracy is to respect the right of the members who constitute the body. Every academic year the constitution of the general body of the association may change. New parents may come into the body. They have to necessarily get an opportunity to have a say in the affairs of the body. They should get a chance to elect their representatives. Those new members cannot be denied their chance to exercise their right of choice. In any view of the matter, I do not find any merit in the contentions raised by the petitioner.

The writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007